

INFORMATION PAPER

DAJA-AL
1 September 2005

SUBJECT: Conscientious Objectors

1. Purpose. To provide information concerning conscientious objector (CO) applications submitted by active duty personnel.

2. Definitions.

a. AR 600-43¹ defines “conscientious objection” as a “firm, fixed and sincere objection to participation in war in any form or the bearing of arms, because of religious training and belief.”

b. The Army recognizes two classes of COs: (1) a CO classified as 1–A–0 is an individual who sincerely objects to participation as a combatant in war of any form, but whose convictions permit military service in a non–combatant status; and (2) a CO classified as 1–0 is an individual who sincerely objects to participation of any kind in war of any form.

3. Applying for CO Status.

a. Individuals seeking a discharge from the Army (1–0) or reassignment to noncombatant duties (1–A–0) must, at a minimum, provide the information listed in AR 600-43, Appendix B.² The applicant has the burden of proof by clear and convincing evidence that his conscientious objection is firm, fixed, and sincere.

b. Commanders should use the checklist in AR 600-43, Appendix C,³ to process CO applications, and Investigating Officers should review AR 600-43, Appendix D.⁴

4. Approval Authority.

a. The Approval Authority for 1–A–0 classification requests is the commander exercising general court-martial convening authority (GCMCA) over the applicant. A 1-A-0 classification request that the GCMCA disapproves will be forwarded to the Department of the Army Conscientious Objector Review Board (DACORB) for final determination.

b. The Approval Authority for 1–0 Classification Requests is the DACORB.

¹ *Conscientious Objection* (15 May 1998).

² AR 600-43, Appendix B (Personal Information that Must be Included in Application).

³ AR 600-43, Appendix C (Suggested Checklist for Processing Conscientious Objector Application).

⁴ AR 600-43, Appendix D (Informal Guide for the Investigating Officer).

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5. Use, Assignment, and Processing of CO Applicants.

a. Applicant's Unit is not Deployed/Preparing to Deploy: Applicants will be retained in their units and assigned duties providing minimum practicable conflict with their asserted beliefs, pending a final decision on their conscientious objector status applications.

b. Applicant's Unit is Deployed/Preparing to Deploy: Applicants will be retained in their units and assigned duties providing minimum practicable conflict with their asserted beliefs. An applicant assigned or attached to a unit deploying to a new duty station may request classification as a conscientious objector. Submission of such a request does **not** preclude deployment. Applicants will prepare for deployment and deploy unless the approving authority has approved conscientious objector status prior to deployment.⁵ Once deployed, the unit will process the application as operational mission requirements permit.

c. Individual Reassignment: In general, applicants who receive individual PCS reassignment orders after submitting their CO status application will be delayed from PCSing until the approval authority makes the final determination. A soldier who received individual orders for reassignment prior to submission of CO status application, or a soldier who has departed his or her unit of assignment in compliance with individual reassignment orders, may not apply for conscientious objector status until he or she arrives at the new permanent duty station.

6. Disposition of Personnel.

a. Action Upon Disapproval. When a request for conscientious objector status has been denied, the applicant will comply with reassignment orders and may be assigned to any duties or may be required to participate in any type of training.

b. Action Upon Approval.

(1) 1-A-0 Classification. Persons classified 1-A-0 are not eligible for discharge under AR 600-43. Enlisted personnel will be reassigned. Commissioned officers and warrant officers will be re-designated and used in a proper non-combat arms specialty and precluded from unit assignments in which they are required to bear arms or to be trained in their use.

(2) 1-0 Classification. Persons determined to meet the criteria for 1-0 classification normally will be discharged "for the convenience of the Government."

7. Potential CO Application Procedural Issues.

⁵ In cases where the application has been forwarded to the DACORB, the GCMCA may excuse the applicant from deployment, pending decision of the DACORB.

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a. Rebuttals.

(1) A CO claim will be investigated and the case record will include the investigating officer's report, the application, interviews with chaplains and doctors, evidence received as a result of the investigation hearing, and any other items submitted by the applicant to support his or her application. The applicant has the right to submit a rebuttal statement to the record within 10 calendar days of receiving it. The applicant will complete the statement acknowledging rebuttal rights as prescribed in figure 2-6, AR 600-43, along with a rebuttal statement, when appropriate.

(2) When an applicant's unit commander determines that further investigation is necessary, the case may be returned to the investigating officer. If additional information is discovered and added to the record, or if a new recommendation is made, the applicant must be provided another opportunity to rebut the new information or recommendation. The applicant will execute a new rebuttal form at this time.

(3) When the GCMCA intends to forward a 1-0 application recommending disapproval to the DACORB or disapproves a 1-A-0 application, the applicant must be provided another opportunity for rebuttal. In these circumstances, the applicant will execute a new rebuttal rights statement. That statement and the rebuttal, if any, should be placed in the record prior to forwarding to the DACORB.

b. GCMCA SJA Recommendation. In addition to the SJA's determination regarding the case's legal sufficiency in law and fact, AR 600-43, paragraph 2-6d, requires the SJA to make a recommendation as to disposition of the case, supported by reasons.

c. Processing Time.

(1) Under normal circumstances, CO applications from active duty personnel in Active Army units will be processed and forwarded to HQDA within 90 days from the date submitted.

(2) Extraordinary circumstances (but not routine field exercises) may lengthen this period. If such delay occurs, the GCMCA will state the reasons for the delay and add these reasons as an enclosure to the record.

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